

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**NATIONAL RIFLE ASSOCIATION OF AMERICA,**

**Plaintiff,**

**-against-**

**1:18-CV-0566**

**ANDREW CUOMO; MARIA T. VULLO; and  
THE NEW YORK STATE DEPARTMENT  
OF FINANCIAL SERVICES,**

**Defendants.**

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**THOMAS J. McAVOY,  
Senior United States District Judge**

**DECISION and ORDER**

Defendants the New York State Department of Financial Services (“DFS”) and Governor Cuomo ask that the Court to reconsider its decision on the National Rifle Association of America’s (“NRA”) appeal of Magistrate Judge Hummel’s discovery determinations. See Dkt. 199 (Motion for Reconsideration); Dkt. 188 (Court’s Decision and Order on the NRA’s appeal). Defendants ask the Court to affirm Judge Hummel’s denial of the NRA’s Motion to Compel, or, in the alternative, “remand the issue to Magistrate Judge Hummel for an appropriate limiting of the requests before the heavy burden described in [Defendants’] brief is brought to bear on the Defendants.” Dkt. 199-1 at 12.

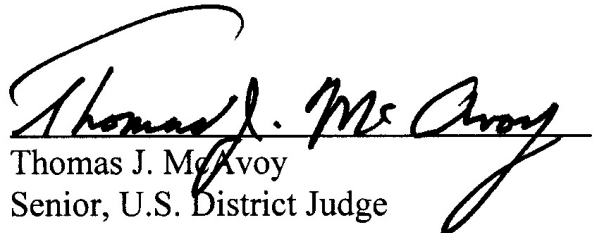
The Court recently dismissed all claims against DFS, Gov. Cuomo in his official capacity, and Supt. Lacewell in her official capacity, including the claims for

injunctive and declaratory relief, and dismissed the selective enforcement claim against Maria T. Vullo. See Dkt. 322. In light of these developments, the lion's share of the categories of discovery the parties argued about on the NRA's appeal, and Court's reasons for affirming the NRA's appeal and ordering production of documents for Judge Hummel's *in camera* review, appear not to lead to discoverable matters anymore, or, if they do, are not proportional to the needs of the case as it currently remains.

**ACCORDINGLY**, the Court **GRANTS** the Defendants' motion for reconsideration, Dkt. 199; **VACATES** the Court's Decision and Order on the NRA's appeal of Judge Hummel's discovery determinations, Dkt. 188; and **REMANDS** the case to Judge Hummel to make new determinations on the NRA's Motion to Compel in light of the narrowing of this case.

**IT IS SO ORDERED.**

Dated: March 22, 2021

  
Thomas J. McAvoy  
Senior, U.S. District Judge